IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Appeal No.62 of 2001(old 2521/97)

Government of Uttar Pradesh Appellant

Versus

Mahipal Singh
S/o Late Sri Gabbar Singh
R/o Village Sila Malla Patti
Ringwa Dasew
District Pauri Garhwal opposite party

Hon'ble B.C.Kandpal, J

Heard Shri Rajiv Mohan, learned counsel for the State on the point of admission and perused the record.

It appears from the perusal of the record that the respondent was convicted by the learned Judicial Magistrate Ist Class Pauri Garhwal under Section 406 IPC and was sentenced for twenty months simple imprisonment.

The appeal was preferred by the respondent and the learned Sessions Judge , Pauri Garhwal vide order and judgment dated 5.4.1997 allowed the appeal and acquitted him.

The learned Sessions Judge while allowing the appeal has clearly observed that the period of sentence which was imposed on the accused/ appellant has already been passed by him.

I do not find any ground for interference in the judgment passed by the lower appellant court.

The appeal lacks merit and is liable to be dismissed.

Accordingly the appeal is dismissed in limine.

18.10.2005

nbj **(B.C.Kandpal,J)**